

FILED 08/30/11 15:03 JSD:ORF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

CR No. 04-30044-AA

Plaintiff,

OPINION AND ORDER

v.

DAVID JOHN CAMARATO,

Defendant.

AIKEN, Judge:


Defendant, appearing *pro se*, requests that the court remove references to a firearms and related convictions contained in his Presentence Investigation Report, which resulted in a two-level enhancement of his sentencing offense level. Defendant's request is based on the apparent denial by the Bureau of Prisons (BOP) to award plaintiff good-time credit upon completion of the Residential Drug Abuse Program (RDAP).

However, the statute of limitations for bringing a § 2255

motion to correct or modify his sentence has long passed, and defendant's motion would be a successive motion which is prohibited absent approval from the Ninth Circuit. See 28 U.S.C. § 2255(f) ("A 1-year period of limitation shall apply to a motion under this section."); see also id. §§ 2244(b)(3)(A).

Accordingly, defendant's petition for relief (doc. 39) is DENIED. IT IS SO ORDERED.

Dated this 28 day of August, 2011.



Ann Aiken
United States District Judge